

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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GLEDA HELLER,  
a/k/a Gail Ruth Heller,

Civil No. 06-3333 (MJD/SRN)

Plaintiff,

v.

**REPORT AND RECOMMENDATION**

SOCIAL SECURITY ADMINISTRATION,

Defendant.

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Plaintiff commenced this action on August 15, 2006, by filing a self-styled complaint, a voluminous collect of "Exhibits," and an application seeking leave to proceed in forma pauperis, ("IFP"). (Docket Nos. 1-16.) The Court previously examined Plaintiff's various submissions, and determined that her complaint failed to state an actionable claim for relief. Therefore, in an order dated August 28, 2006, (Docket No. 17), the Court informed Plaintiff that her IFP Application would "not be granted at this time." The order gave Plaintiff an opportunity to file an amended complaint, and expressly advised her that if she did not file a new pleading within thirty (30) days, the Court would recommend that this action be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b).

Plaintiff subsequently requested an extension of the deadline for filing an amended complaint, and that request was granted by the Court's order of November 28, 2006. (Docket No. 20.) That second order required Plaintiff to file her amended complaint by no later than December 22, 2006, and reiterated that if she failed to do so, the Court would recommend summary dismissal.

The extended deadline for filing an amended complaint expired several weeks ago, and Plaintiff still has not complied with the Court's prior orders. It has now been more than five months since Plaintiff initiated the present action, and she still has not filed a viable pleading. Plaintiff has submitted several new documents in this matter, which seem to indicate that although she is still interested in pursuing a federal court action, she is simply not prepared to do so at this time. Therefore, the Court will now recommend, in accordance with the two prior orders that have been entered in this matter, that this action be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b). See also Link v. Wabash Railroad Co., 370 U.S. 626, 630-31 (1962) (recognizing that a federal court has the inherent authority to "manage [its] own affairs so as to achieve the orderly and expeditious disposition of cases").

The dismissal of this action will not preclude Plaintiff from initiating further legal proceedings. However, it is quite apparent that Plaintiff does not have the legal acumen needed to properly represent herself in a federal court case. Therefore, Plaintiff should consult with an attorney before pursuing any legal action in the future.

Based upon the above, and upon all the records and proceedings herein,

IT IS HEREBY RECOMMENDED that:

1. Plaintiff's Application To Proceed In Forma Pauperis, (Docket No. 2), be **DENIED**;  
and

2. This action be **DISMISSED WITHOUT PREJUDICE**.

Dated: January 17, 2007

s/ Susan Richard Nelson  
SUSAN RICHARD NELSON  
United States Magistrate Judge

Under D. Minn. LR 72.2(b) any party may object to this Report and Recommendation by filing with the Clerk of Court, and serving all parties by **February 1, 2007**, a writing which specifically identifies those portions of this Report to which objections are made and the basis of those objections. Failure to comply with this procedure may operate as a forfeiture of the objecting party's right to seek review in the Court of Appeals. This Report and Recommendation does not constitute an order or judgment of the District Court, and it is therefore not appealable to the Circuit Court of Appeals.